

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SANNO BARROW,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION FILE
)	NO.: 1:15-cv-03040-LMM
SAGO NETWORKS, LLC,)	
and MILLER M. COOPER)	
)	
Defendants.)	JURY TRIAL DEMANDED

JOINT MOTION FOR APPROVAL OF SETTLEMENT
AGREEMENT AND RELEASE

I. BACKGROUND

Plaintiff Sanno Barrow, and Defendants Sago Networks, LLC and Miller M. Cooper (“Defendants”) (Plaintiffs and Defendants may be collectively referred to herein as the “Parties”), by and through their undersigned counsel, hereby file this Joint Motion for Approval of Settlement Agreement and Release pertaining to the above-captioned case.

The Parties hereby request approval of the Parties’ FLSA Settlement Agreement and Release that is attached hereto as **Exhibit A**. The Parties’ settlement was reached during mediation with Magistrate Judge Alan J. Baverman on September 21, 2016. Because Plaintiff’s claims arise under the FLSA, the Parties seek the Court’s approval of the FLSA Settlement Agreement and Release.

II. CITATION OF LEGAL AUTHORITY

Pursuant to the case law regarding settlement of FLSA claims, there are three ways in which claims under the FLSA can be settled and released by an employee. First, the FLSA allows an employee to settle and waive his claims under the FLSA if the payment of unpaid wages by the employer to the employee is supervised by the Secretary of Labor. See 29 U.S.C. § 216(c). Second, in the context of a private lawsuit brought by an employee against an employer under § 216(b) of the FLSA, an employee may settle and release FLSA claims against an employer if the parties present the district court with a proposed settlement and the district court approves the fairness of the settlement. Schulte, Inc. v. Gandi, 328 U.S. 108, 66 S. Ct. 925, 928 n.8 (1946); Lynn's Food Stores, Inc. v. U.S., 679 F.2d 1350, 1353 (11th Cir. 1982); Taylor v. Progress Energy, Inc., 493 F.3d 454 (4th Cir. 2007). Third, the parties to an FLSA claim may settle the claim without judicial approval if the plaintiff will receive all of the relief to which he would be entitled if his claims were proven. Mackenzie v. Kindred Hospitals East, L.L.C., 276 F. Supp. 2d 1211, 1217 (M.D. Fla. 2003). There is a presumption in favor of approving a settlement as fair, but court review is appropriate to ensure fairness to the parties. In re Dollar General Stores FLSA Litig., 2011 WL 3904609, *2 (E.D.N.C. Aug. 23, 2011).

III. THE PARTIES

The Parties agree that the instant action involves disputed issues. The Parties further agree that the settlement negotiated and reached by the Parties during mediation is a fair and just settlement of Plaintiffs' claims given the facts and legal authority applicable to this case.

Plaintiff argues that he is owed overtime for a period of time while working for the Defendants. To avoid the possible continued expense and uncertainty of litigation, Plaintiff agrees to the settlement payment negotiated during the mediation.

Defendants dispute Plaintiff's allegations and deny they owe wages as defined by the FLSA but, following negotiation, Defendants have agreed to pay Plaintiff a settlement to avoid the uncertainty and expense of further litigation of this matter.

IV. CONCLUSION

THEREFORE, because the Parties have settled all claims via mediation, the Parties respectfully request that the Court enter an Order (attached hereto as **Exhibit B**) approving the FLSA Settlement Agreement and Release.

Respectfully submitted this 19th day of October, 2016.

/s/ Paul J. Sharman

Paul J. Sharman
Georgia Bar No. 227207
paul@sharman-law.com
THE SHARMAN LAW FIRM LLC
11175 Cicero Drive – Suite 100
Alpharetta, GA 30022
Tel: (678) 242-5297
Fax: (678) 802-2129
Attorney for Plaintiff

/s/ Aaron M. Clark

Aaron M. Clark
Georgia Bar No. 295700
aclark@kanclarklaw.com
Kan Clark, LLP
2849 Paces Ferry Rd, Suite 640
Atlanta, GA 30339
Tel: 404-291-5195
Fax: 404-393-0902
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2016, I electronically filed the foregoing ***JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT AND RELEASE*** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record:

s/Paul J. Sharman

Paul J. Sharman

Georgia Bar No. 227207

The Sharman Law Firm LLC
11175 Cicero Dr., Suite 100
Alpharetta, Georgia 30022
(678) 242-5297
paul@sharman-law.com
Attorney for Plaintiff